

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

vs.

LOUIS JAMES ROMERO,

Defendant/Movant.

Cause No. CR 12-051-GF-BMM
CV 20-118-GF-BMM

ORDER DISMISSING § 2255
MOTION AND DENYING
CERTIFICATE OF
APPEALABILITY

This case comes before the Court on Defendant/Movant Louis James Romero's motion to vacate, set aside, or correct his sentence, pursuant to 28 U.S.C. § 2255. (Doc. 224). Romero is a federal prisoner proceeding pro se.

The current motion is subject to the same law already explained in the Order of July 29, 2020 (Doc. 223). The Court again dismisses the motion for lack of jurisdiction.

If Romero wishes to challenge this decision, he may file a timely notice of appeal and seek a certificate of appealability in the Ninth Circuit Court of Appeals. Alternatively, or in addition, he may apply to the Ninth Circuit for leave to file a second or successive motion under 28 U.S.C. § 2255 in this Court. Those are his only two options.

Accordingly, IT IS ORDERED:

1. For the reasons explained in the Order of July 29, 2020, (Doc. 223 at 2–3), Romero’s motion to vacate, set aside, or correct the sentence under 28 U.S.C. § 2255 (Doc. 224) is DISMISSED for lack of jurisdiction as an unauthorized second or successive motion.
2. For the reasons explained in the Order of July 29, 2020, (Doc. 223 at 3), a certificate of appealability is DENIED. The clerk of court shall immediately process the appeal if Romero files a notice of appeal.
3. The clerk of court shall ensure that all pending motions in this case and in CV 20-118-GF-BMM are terminated and shall close the civil file by entering a judgment of dismissal.
4. No motion for reconsideration will be entertained.

DATED this 15th day of December, 2020.



Brian Morris, Chief District Judge
United States District Court